



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/560,424

05/30/2006

Milovan Skendzic

P71004US0

8853

136 7590 04/28/2009

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

EPPES, BRYAN L

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,424	Applicant(s) SKENDZIC ET AL.	
	Examiner BRYAN EPPES	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action on the merits for application serial number 10/560,424 filed May 30, 2006. Claims 1-5 are pending.

Specification

1. The disclosure is objected to because of the following informalities:
 - a. The reference to U.S. Patent 1,669,240 on p.3 Line 6 appears a typographical error for U.S. Patent 4,669,240.Appropriate correction is required.

Drawings

2. The drawings are objected to because:
 - b. The reference to “anchors (4)” on p.14 Line 6 appears a typographical error for anchors (8).
 - c. The reference to “inner panel layer (3)” on p.14 Line 18 appears a typographical error for inner panel layer (2).
 - d. The reference to “wall panel (4)” on p.16 Line 16 appears a typographical error for wall panel (1).
 - e. The reference to “tube (29)” on p.16 Line 17 appears a typographical error for tube (39).
 - f. Reference characters “16”, “53” and “54” are not shown in the figures.

g. Figure 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated as described by Applicant on p. 18 Lines 27-31.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example:

- h. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
- i. The claims include numerous limitations lacking proper antecedent basis. Please review the claims and amend according to U.S. patent practice.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Haeussler (U.S. Pat. 3,757,482).

- j. Claim 1. As best understood by the claims, Haeussler discloses two concrete panels 1/3 reinforced with mesh 6 having connecting webs 4 therebetween such that a gap is filled with insulation 2 and air, interpreted as the air required to foam the insulating material, the web having loops on the ends and holes 5 for rods 7.

Art Unit: 3635

5. Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Amormino (U.S. Pat. 4,669,240).

k. Claims 4 and 5. As best understood by the claims, Amormino discloses roof and floor units attached to wall panels 11 atop foundations 43 having sockets 44, whereby the width of the wall panels 11 coincides with that of the roof/floor widths for a rigid connection at their tops in a horizontal plane and capable of providing a building without columns or beams (See Figs. 1 and 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haeussler (U.S. Pat. 3,757,482) in view of Barrett (U.S. Pat. 4,649,682).

I. Claim 2. Haeussler discloses the wall panel connection as described above, but lacks a tubular member protruding over the ends for a connection. Barrett teaches panels having tubular members 58 protruding from the panel ends for connections (Barrett Figs. 3 and 7). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to include tubular members on the panel ends for connection of adjacent panels as a

Art Unit: 3635

known technique for panel connection which does not yield any new or unexpected results.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amormino (U.S. Pat. 4,669,240)) in view of Haeussler (U.S. Pat. 3,757,482).

m. Claim 3. As best understood by the claims, Amormino teaches a wall panel having a horizontal groove along an interrupt of an inner concrete layer for a floor unit connection, but lacks the panel connection arrangement of claim 1. However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to connect the panels as taught by Haeussler since the connection is a known technique for panel connection which does not yield any new or unexpected results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN EPPES whose telephone number is (571)270-3109. The examiner can normally be reached on M-F; alt. Fri. off (7:30am-5pm EST.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./

Supervisory Patent Examiner, Art Unit 3635

Application/Control Number: 10/560,424
Art Unit: 3635

Page 7

/B. E./
Examiner, Art Unit 3635